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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,102	07/20/2001	Tetsuo Ogawa	450104-3165.1	2770

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FROMMER LAWRENCE & HAUG
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NEW YORK, NY 10151

EXAMINER

CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,102

Applicant(s)

OGAWA ET AL.

Examiner

Bob Chevalier

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-17, 19-22 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 18 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/687,360.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2616

DETAILED ACTION

1. Please include the new Art Unit 2616 in the caption or heading of any written or facsimile communication submitted after this Office Action because the Examiner, who was assigned to Art Unit 2615, will be assigned to new Art Unit 2616. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 9-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over the submitted prior art of Amada et al (P.N. 5,465,180) in view of Arai et al (P.N. 5,576,758) and Dyer (4,122,498).

The submitted prior art of Amada et al discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claims 9, and 15, including the feature of supplying video data from a plurality of source mediums (See the supplying of current digital video signal and the high definition digital video signal as shown in Amada et al's Figure 1, component 1), the feature of compressing the supplied video data (See Amada et al's Figure 1, component 26), the feature of recording the compressed video data on a recording medium as specified in the present claims 9, and 15. (See Amada et al's Figure 1, component 30).

Amada et al fails to specifically disclose the feature of recording on the recording medium compression rate data indicating a compression rate of the video data compressed by the compression section as specified in the present claims 9, and 15.

Arai et al does disclose a recording apparatus which includes the capability of recording on a recording medium compression rate data indicating a compression rate of the data compressed by the compression section as specified in the present claims 9, and 15. (See Arai et al's column 1, lines 63-67).

It would have been obvious to one skilled in the art to modify the Amada et al's recording apparatus wherein the compression/recording means provided thereof would incorporate the capability of recording on the recording medium compression rate data indicating a compression rate of the data compressed by the compression section in the same conventional manner as is shown by Arai et al. The motivation is to have a better control over the encoding/decoding process, thereby increase the quality of the video data as suggested by Arai et al.

It is further to be noted that the proposed combination of Amada et al and Arai et al indicated above does disclose the capability of recording video data from a plurality of source mediums. However, such a proposed combination of Amada et al and Arai et al as indicated above fails to specifically disclose the feature of recording on a time code track identification signals corresponding to different ones of the source medium as claimed in claims 9, and 14-15.

Dyer does disclose a recording apparatus which includes the capability of recording identification signals for identifying the source of the recorded data together with time information on a track of a recording medium as specified in claims 9, and 14-15. (See Dyer's column 5, lines 22-32, and column 2, lines 9-12).

It would have been obvious to one skilled in the art to modify the proposed combination of Amada et al and Arai et al indicated above wherein the recording means provided thereof would incorporate the capability of recording on the time code track the identification signal identifying the source of the recording data in the same conventional manner as is shown by Dyer. The motivation is to be able to identify the origin of the recorded video data at reproduction time as suggested by Dyer.

With regard to claims 10, and 16, the feature of the source mediums being source tapes and the recording medium being a tape as specified thereof is present in the proposed combination of Amada et al, Arai et al, and Dyer indicated above. (See Amada et al's column 1, lines 25-38, where is described the D1-VTR and the D2-VTR as sources of where the current digital video signal and the High Definition video signal

would have respectively been recorded, and further see Amada et al's Figure 1, component 30, for the tape recording medium).

With regard to claim 11, the feature of the video data being video data of various data format, compressing said video data of various data formats and the recording means comprises a formatting section for formatting the video data of various data formats compressed by the compression section into an archive format as specified thereof would be present in the proposed combination of Amada et al, Arai et al, and Dyer indicated above. (See Amada et al's Figure 1, components 1, 26, and 30, and further, see the description of the common track format shown in Amada et al's column 8, lines 55-63).

With regard to claim 12, the feature of setting a compression rate used in the compression section, and controlling the travel speed of the recording medium so that the recording medium travels at a speed corresponding to the compression rate set by the setting section as specified thereof would be present in the proposed combination of Amada et al, Arai et al, Dyer indicated above. (See Amada et al's column 5, lines 29-50).

With regard to claim 13, the feature of the plurality of compression encoders, each for compression encoding video data originated from a respective one of source mediums and multiplexing the compressed video and recording the same on the recording medium as specified thereof would be inherently present in the proposed combination of Amada et al, Arai et al, and Dyer, indicated above. Because, Amada et al discloses that different compression rate is applied to the different types of video data

before recording the same on the recording medium. Applicant's attention is directed to Amada et al's column 9, lines 31-36, where it is disclosed different types of video data being compressed according to different compression rates.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 17, 19-20, 22, 24, and 25-26, are rejected under 35 U.S.C. 102(b) as being anticipated by Minami.

Minami discloses a video recording/reproducing apparatus that shows all the limitations recited in claims 17, 22, including the feature of supplying video data originated from a plurality of channels (See the capability of supplying channels of video data from channels 400, and 500, to the recording means 600, as shown in Minami's Figure 1), the feature of multiplexing the video data (See Minami's Figure 1, component 15), the feature of recording the multiplexed video data on a recording tape in tracks thereof, with each track having an upper and lower portion (See Minami's Figure 4), and the feature of the video originating from different channels being recorded in upper and lower portions of a given track as specified in the present claims 17, 22. (See the 0th stage data and the 2nd stage data recorded in upper and lower portions of a given track as shown in Minami's Figure 4).

With regard to claims 19, 24, the feature of compressing the video data prior to the time division multiplexing as specified thereof is present in Minami. (See Minami's Figure 1, components 200, 300, 400, and 500).

With regard to claim 20, the feature of the plurality of compression encoders for compressing the video data as specified thereof would be present in Minami, since, Minami discloses that the main information and the subinformation are compressed differently. (See Minami's column 4, lines 53-58).

With regard to claims 25-26, the feature of the reproduction means for reproducing the recorded video data, and the demultiplexer for demultiplexing the reproduced data, and the expander as specified thereof would be present in Minami in order to reproduce the recorded data during normal reproduction operation. (See Minami's Figure 6 and the corresponding disclosure).

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Minami in view of Arai et al and Dyer.

Minami discloses a recording/reproducing apparatus that shows substantially the same limitations recited in claim 21, including the feature of compressing the video data before recording the same on the recording medium as specified in the present claim 21. (See Minami's Figure 1, components 200-500).

Minami fails to specifically disclose the feature of recording on the recording medium compression rate data indicating a compression rate of the video data compressed by the compression section as specified in the present claim 21.

Arai et al does disclose a recording apparatus which includes the capability of recording on a recording medium compression rate data indicating a compression rate of the data compressed by the compression section as specified in the present claim 21. (See Arai et al's column 1, lines 63-67).

It would have been obvious to one skilled in the art to modify the Minami's recording apparatus wherein the compression/recording means provided thereof would incorporate the capability of recording on the recording medium compression rate data indicating a compression rate of the data compressed by the compression section in the same conventional manner as is shown by Arai et al. The motivation is to have a better control over the encoding/decoding process as suggested by Arai et al.

It is further to be noted that the proposed combination of Minami and Arai et al indicated above does disclose the capability of recording video data from a plurality of channels. However, such a proposed combination of Minami and Arai et al as indicated above fails to specifically disclose the feature of recording on a time code track identification signals corresponding to different ones of the source medium as claimed in claim 21.

Dyer does disclose a recording apparatus which includes the capability of recording identification signals for identifying the source of the recorded data together with time information on a track of a recording medium as specified in claim 21. (See Dyer's column 5, lines 22-32, and column 2, lines 9-12).

It would have been obvious to one skilled in the art to modify the proposed combination of Minami and Arai et al indicated above wherein the recording means

provided thereof would incorporate the capability of recording on the time code track the identification signal identifying the source of the recording data in the same conventional manner as is shown by Dyer. The motivation is to be able to identify the origin of the recorded video data at reproduction time as suggested by Dyer.

8. Claims 18, 23, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Thai Tran can be reached on 703-305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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B. Chevalier
July 22, 2004.


ROBERT CHEVALIER
PRIMARY EXAMINER